

Applicants thank the Examiner for returning the initialled form PTO-1449. Applicants also acknowledge the Examiner's acceptance of the declaration filed May 30, 1996, with gratitude.

The specification was objected to for informalities. In response, Applicants have amended the specification as requested by the Examiner. It is therefore requested that the objection to the specification be withdrawn.

Claims 23-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,295,153 to Gudmundson. This rejection is respectfully traversed for at least the following reasons.

Since U.S. Patent 5,295,153 to Gudmundson was copending with the present application and includes a common inventor, it is appropriate for Applicants to claim priority from this application pursuant to 35 U.S.C. § 120. Submitted herewith is an unexecuted Declaration which has been sent to Sweden to obtain the signatures of the inventors residing in that country and which provides for priority from the earlier filed application. The executed copy will be forwarded to the Patent Office upon receipt.

Since the present application now claims priority from the application which became U.S. 5,295,153 to Gudmundson, this patent is no longer applicable as prior art against the present application. Accordingly, this ground of rejection has been rendered moot.

Claims 14 and 15 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,267,261 to Blakeney, II et al. ("Blakeney"). This rejection is respectfully traversed for at least the following reasons.

Applicants' claim 14 combination includes, among other things, the generation of a demodulated signal associated with each of a first base station and a second base station, i.e., two demodulated signals. In marked contrast, Blakeney describes the provision of a single demodulated signal produced by diversity combining the signals received from two base stations. Specifically, turning to col. 11, lines 6-17 Blakeney describes only one diversity combining method that of maximum ratio combining (see also col. 13, lines 54-65). Moreover, Blakeney specifically states that "the data demodulation process uses information from both receivers in a diversity combining operation." Blakeney's diversity combining is clearly of the form known as "predetect combining" using the weighted sum of the receiver outputs. In marked contrast, according to Applicants' system and method, selection may be made on a symbol-by-symbol basis from the two demodulated outputs. This is distinct from Blakeney's method, namely the selection of **the whole signal**, in other words, **all the symbols are from either one receiver/base station or other, whichever is of higher quality**.

With respect to Applicants' claim 15 combination, the Office Action points to column 19, lines 24-42, as allegedly describing that Applicants' claimed first and second codes include a base station code and a traffic channel code. While the cited portion of Blakeney does refer to "base station identifications", it does not do so in the context of codes which are "used to process and decode numerical values to obtain demodulated signal" as are Applicants' first and second codes. That is, the cited portion of Blakeney does not indicate that the base station identifications are used in the same

manner as Applicants' claimed first and second codes and, therefore, cannot be said to correspond thereto.

As Blakeney fails to teach each and every element of Applicants' claims, it cannot serve as a basis for rejection under Section 102 and therefore it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 2, 7-9, and 16-17 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Blakeney in view of U.S. Patent 5,159,608 to Falconer et al. ("Falconer"). This rejection is respectfully traversed for at least the following reasons.

Claims 2 and 7 are believed to be allowable for at least the same reasons given above for claim 14.

In addition Blakeney also fails to describe, among other things, that each signal received from a base station is encoded with a different scrambling code. In an attempt to provide this missing element the Action cites Falconer. The Action states that it would have been obvious to one of ordinary skill in the art to combine Falconer with Blakeney in order to "completely eliminate cross talk and to make it very difficult and costly to eavesdrop or track calls." However, the Action did not provide any evidence that any of these problems existed in Blakeney such that one of ordinary skill in the art would have looked to Falconer to combine it with Blakeney and therefore this combination is unsupported.

Claims 8 and 9 depend from claim 7 and are believed to be allowable for at least the same reasons.

Claims 16 and 17 depend from claim 2 and 7 respectively and are believed allowable for at least the same reasons.

As neither Blakeney, nor Falconer, describe or suggest Applicants' invention, either singularly or in combination, they fail to establish a prima facie case of obviousness under Section 103 and therefore it is respectfully requested that the rejections of the claims be reconsidered and withdrawn.

Claims 1, 3-6, and 10-13 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Blakeney. This rejection is respectfully traversed for at least the following reasons.

Applicants' claim 1 combination includes, among other things, "receiving at said mobile station said signals transmitted on said first frequency from said first and second base stations and **decoding said signals using said first and second codes to produce a first and second demodulated signal.**" As pointed out above, Blakeney neither describes nor suggests this feature of Applicants' invention. As can be seen from the description at col. 13, beginning at line 61, and as stated above the stream of symbols are combined and then decoded and thus fail to provide first and second demodulated signals.

Claims 3-6 depend from claim 1 and are believed allowable at least for the reasons given above. In addition, with respect to Applicants' claim 3 combination, note the discussion of claim 15 above. No disclosure of the claimed codes is provided in Blakeney which are used to perform the function set forth for those codes in Applicants' claim 3 combination.

Claim 5 recites, among other features, that the error correcting step comprises selecting symbols from the first and second demodulated signals. As discussed above, Blakeney does not describe or suggest at least this feature of Applicants' claimed invention. By contrast, Blakeney describes only a form a "maximal ratio combining." (See, Blakeney at col. 11, lines 6-17 which uses a weighted sum of the receiver outputs). In Blakeney, the selection operates on a whole signal (i.e., all symbols, after error correction decoding, using the output of one receiver alone) from one of the base stations, rather than on a symbol by symbol basis from either base station. Accordingly, reconsideration and withdrawal of the rejection of claim 5 is respectfully requested.

Claim 6 recites, among other features, that the error correction step comprises combining symbols from the first and second demodulated signals. Again in marked contrast, Blakeney uses a form of diversity combining in which the combining is performed first to produce a combined signal, followed by demodulation and error correction coding, operating on the single combined signal. (See Blakeney at col. 13, lines 54-65). Blakeney does not describe or suggest that the error correction step comprises combining symbols from the first and second demodulated signals. Accordingly, reconsideration and withdrawal of the rejection of claim 6 is respectfully requested.

Claims 10-13 are believed to be allowable for similar reasons to those set forth above with respect to claims 1 and 14, for example.

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Claims 18-22 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Blakeney. This rejection is respectfully traversed for at least the following reasons.

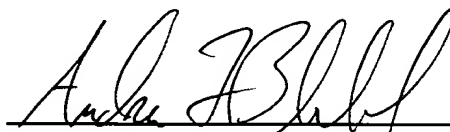
Claim 18-22 are believed allowable for at least the reasons given above for claims 1 and 14.

Having addressed all of the Examiner's concerns and rejections, it is submitted that the application is now in condition for allowance and an early notice of allowance is respectfully solicited. If any questions remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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